

REMARKS

Claims 1-9, 44, 45, 56, 57, 67-94 and 105 are allowed and pending. Claims 10-43, 46-55, 58-66, 95-104 and 106-108 have been cancelled.

Box 2 on the cover page of the Notice of Allowability incorrectly lists the allowed claims. The correct listing of allowed claims is claims 1-9, 44, 45, 56, 57, 67-94 and 105. Note that the Examiner previously withdrew the rejection of claims 56, 57, 69-83 and 105 in his Supplemental Answer. Therefore, these claims are allowed in addition to the claims for which the rejection was reversed by the Board.

The Examiner's Amendment included with the Notice of Allowability mailed December 4, 2007 did not address claims 56, 57, 69-83 and 105. These claims were rejected at the time Applicants' appeal was filed. As noted in the Decision on Appeal, the Examiner withdrew the rejection of these claims in a Supplemental Answer. Since the rejection of independent claim 69 was withdrawn by the Examiner, claims 69-83 are allowed. Claims 56, 57 and 105 depend from rejected independent claims. According to MPEP 1214.06, the Examiner may only cancel an allowable dependent claim after a decision on appeal if the rejection of the respective independent claim is upheld and the dependent claim was objected to prior to appeal as being allowable except for its dependency from the rejected independent claim. Claims 56, 57 and 105 were not objected to as being allowable prior to the appeal. Instead, the Examiner withdrew the rejection of these claims well after the appeal was filed. Therefore, per MPEP 1214.06, claims 56, 57 and 105 should be converted into independent claims.

CONCLUSION

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-11402/RCK.

Respectfully submitted,

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